

STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0124362; AI 154113; PER20080001** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

The **permitting authority** for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

- I. **THE APPLICANT IS:** Ascension Wastewater Treatment, Inc.
 The Lakes at Juban Crossing
 17188 Airline Highway, Suite M-157
 Prairieville, LA 70769

- II. **PREPARED BY:** Rachel Davis

- DATE PREPARED:** June 10, 2009

- III. **PERMIT ACTION:** Issue LPDES permit LA0124362; AI 154113; PER20080001

 LPDES application received: October 16, 2007

IV. **FACILITY INFORMATION:**

- A. The application is for the discharge of treated sanitary wastewater from a proposed privately owned treatment works serving The Lakes at Juban Crossing Subdivision

- B. The permit application does not indicate the receipt of industrial wastewater.

- C. The facility is located on Buddy Ellis Road, approx. 1 mile east of Juban Road in Denham Springs, Livingston Parish.

- D. The treatment facility consists of an extended air sewage treatment plant with disinfection by chlorination.

- E. Outfall 001

Discharge Location: Latitude 30° 27' 18" North
 Longitude 90° 54' 01" West

Description: treated sanitary wastewater

Expected Flow: 181 homes x 400 gallons/day/home = 0.0724 MGD

Calculations for gallons per day were based upon figures obtained from Chapter 15 of the State of Louisiana Sanitary Code, Department of Health and Hospitals, Office of Public Health.

V. **RECEIVING WATERS:**

The discharge is into an unnamed drainage ditch, thence into West Colyell Creek in segment 040305 of the Lake Pontchartrain Basin. This segment is listed on the 303(d) list of impaired waterbodies.

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The designated uses and degree of support for Segment 040305 of the Lake Pontchartrain Basin are as indicated in the table below^{1/}:

Degree of Support of Each Use						
Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Not Supported	Full	Not Supported	N/A	N/A	N/A	N/A

^{1/}The designated uses and degree of support for Segment 040305 of the Lake Pontchartrain Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2006 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 040305 of the Lake Pontchartrain Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 27, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

VII. HISTORIC SITES:

The discharge will be from a new facility. LDEQ has consulted with the State Historic Preservation Officer (SHPO) in a letter dated October 17, 2007 to determine whether construction-related activities could potentially affect sites or properties on or eligible for listing on the National Register of Historic Places. SHPO's response, dated November 7, 2007 stated that the facility as proposed will have no potential effects.

VIII. PUBLIC NOTICE:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit modification and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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For additional information, contact:

Ms. Rachel Davis
Water Permits Division
Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

IX. PROPOSED PERMIT LIMITS:

Subsegment 040305, Colyell Creek System, is listed on LDEQ's Final 2006 303(d) List as impaired for nutrients (nitrate/nitrite+N), organic enrichment/low DO, pathogen indicators, phosphorus, and mercury. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL.

Nutrients (Nitrate/Nitrite+N) and Organic Enrichment/Low DO

In accordance with a letter dated January 6, 2003, signed by Mr. Jack Ferguson of the US EPA to Region 6 State Program Managers, EPA considers facilities treating domestic sewage and designed to meet effluent limitations of 5/5/2/5 BOD₅/TSS/NH₃-N/DO, as meeting end-of-pipe water quality criteria for dissolved oxygen. The letter goes on to further state that a discharge meeting these effluent limits would maintain the minimum dissolved oxygen standard of 5 mg/L and therefore would not cause or contribute to the violation of water quality standards.

Mercury

The mercury impairment listed for subsegment 040305 applies only to those waterbodies specifically identified in LDEQ's Final 2006 Integrated Report, and not to the entire subsegment unless so specified. Because the discharge from this facility is not directly into the Colyell Creek system, mercury will not be addresses in the permit.

Pathogen Indicators

To protect the receiving waterbody against high levels of pathogenic organisms, fecal coliform limitations have been established in the permit.

Phosphorus

Based on the size and nature of this facility, the Department believes that there is little potential for the discharge to cause or contribute to the phosphorus impairments of this subsegment. Therefore, no limitations for the above impairment will be required of this facility.

Final Effluent Limits:**OUTFALL 001**

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

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Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
CBOD ₅		5 mg/l	10 mg/l	Best Professional Judgement (BPJ) based on the letter from Ferguson (EPA) to Region 6 Program. Managers dated 1/06/03
TSS		5 mg/l	10 mg/l	Best Professional Judgement (BPJ) based on the letter from Ferguson (EPA) to Region 6 Program. Managers dated 1/06/03
Ammonia-Nitrogen		2 mg/l	4 mg/l	Best Professional Judgement (BPJ) based on the letter from Ferguson (EPA) to Region 6 Program. Managers dated 1/06/03
Dissolved Oxygen**		5.0 mg/l	N/A	Best Professional Judgement (BPJ) based on the letter from Ferguson (EPA) to Region 6 Program. Managers dated 1/06/03

**This Dissolved Oxygen limit is the lowest allowable average of daily discharges over a calendar month. When monitoring is conducted, the Dissolved Oxygen shall be analyzed immediately, as per 40 CFR 136.3.

Other Effluent Limitations:**1) Fecal Coliform**

The discharge from this facility is into a water body which has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5, the fecal coliform standards for this water body are 200/100 ml and 400/100 ml. Therefore, the limits of 200/100 ml (Monthly Average) and 400/100 ml (Daily Maximum) are proposed as Fecal Coliform limits in the permit. These limits are being proposed through Best Professional Judgement in order to ensure that the water body standards are not exceeded, and due to the fact that existing facilities have demonstrated an ability to comply with these limitations using present available technology.

2) pH

According to LAC 33:IX.3705.A.1., POTW's must treat to at least secondary levels. Therefore, in accordance with LAC 33:IX.5905.C., the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time.

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3) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

X. PREVIOUS PERMITS:

The discharge is from a new facility. There are no previously issued LPDES Permits

XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:**A) Inspections**

A review of the files indicates that no inspections have been conducted at the proposed facility.

B) Compliance and/or Administrative Orders

Docket #: WE-CN-09-0306

Date Issued: January 6, 2010

Findings of Fact:

1. The facility has been discharging without a permit

Order:

1. must comply with the interim limits that are established in the compliance order until a final permit has been obtained
2. properly maintain facility
3. adhere to the schedule of activities associated with it sewer rehabilitation project

C) DMR Review

This is a proposed facility, therefore no DMR's have been submitted.

XII. ADDITIONAL INFORMATION:

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's. The LDEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

In accordance with LAC 33:IX.2903., this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

- a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) Controls any pollutant not limited in the permit; or
- c) Requires reassessment due to change in 303(d) status of waterbody; or
- d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

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Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrates two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** as shown in the permit are standard for facilities of flows between 0.02 and 0.10 MGD.

<u>Effluent Characteristics</u>	<u>Monitoring Requirements</u>	
	<u>Measurement</u>	<u>Sample</u>
	<u>Frequency</u>	<u>Type</u>
Flow	1/week	Measure
CBOD ₅	1/month	Grab
Total Suspended Solids	1/month	Grab
Dissolved Oxygen	1/month	Grab
Ammonia-Nitrogen	1/month	Grab
Fecal Coliform Bacteria	1/month	Grab
pH	1/month	Grab

XIII. TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a new permit for the discharge described in this Statement of Basis.

XIV. REFERENCES:

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Ascension Wastewater Treatment, Inc, The Lakes at Juban Crossing, October 16, 2007.